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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,964	03/02/2004	Franklin T. Nakasone	67167-002; 5863-03	2137

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/790,964

Applicant(s)

NAKASONE, FRANKLIN T.

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,22 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-8,11-14,17,18,20,23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 9,10,15,16,19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-20,23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6-7, the phrase "said retainer engagement feature **extending from the housing**" lacks antecedent basis since the previous recitation in line 2 sets forth only "a retainer engagement feature". Furthermore, in claims 1,11,17, the recitation that the retainer engages the groove at an angle not perpendicular is not correct and not clearly understood with respect to the specification. Since the groove begins at 42 in Fig.2, after the retainer engagement feature, the retainer legs do not flex when engaged in the groove, rather the bridge portion flexes at an angle not perpendicular. Furthermore, in claim 9,15,18,19, the recitation of "a retainer engagement feature" is redundant as this element has already been recited in claims 1,11 and 17.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1,2,4-7,11-13,17,18,20,23,25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 5,038,589 in view of Mall 2,021,241.

Martin teaches a lock cylinder 14 and core 12 retainer clip 40 having first and second legs 42 and a bridge portion 44, wherein the cylinder has retainer grooves 38 and the core has retainer grooves 24 to receive the retainer legs. The cylinder further provides a retainer engagement feature 46 to secure the retainer clip within the grooves. The front loading core 12 further has a flange portion 16 to engage a recessed portion (not labeled) at the front of the cylinder housing bore 28. Note that the method limitations of claims 17 and 20 are considered inherent to the use of the device as disclosed by Martin. Mall teaches a coupling means between a housing 28 and core member 18 comprising a retainer clip 36 having two legs 32,34 with beveled end portions 46,48 and a bridge portion 56 and wherein the housing 28 has grooves 38,40 to receive the legs 32,34 and a retainer engagement feature formed as angled abutments 50 which the retainer legs flex over upon initial insertion and which ultimately fit into recesses 52 in the retainer legs. The core 18 further has grooves 62 to receive abutment means 60 on the legs 32,34. It would have been obvious to one of ordinary skill in the art to modify the clip and housing of Martin by providing engaging abutment means therebetween as taught by Mall to ensure a secure assembly between the housing and core members.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin '589 in view of Mall '241 and further in view of Dauenbaugh 4,099,397.

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Dauenbaugh teaches a similar lock cylinder assembly with a retaining clip 12 and further having a groove 58 in the cylinder 10 to engage with an extension 26 on the plug 22. It would have been obvious to one of ordinary skill in the art to modify the cylinder and plug of Martin to have an extension and groove as taught by Dauenbaugh to enhance the engagement between the cylinder and plug as desired.

5. Claims 8,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin '589 in view of Mall '241 and further in view of either Dauenbaugh '397 or Myers 5,636,540.

Both Dauenbaugh and Myers teach a lock cylinder retainer clip (12; 10 respectively) having a bridge portion (70; 50) with an aperture therein. In the case of Dauenbaugh, the aperture receives a fastener to secure the retainer to the panel 20 (Fig.2). Since Martin teaches that the clip 40 can have a different configuration (col.4, lines 23-24), it would have been obvious to one of ordinary skill in the art to modify the clip of Martin by providing an aperture in the bridge as taught by either Dauenbaugh or Myers to facilitate usage of the clip.

#### ***Allowable Subject Matter***

6. Claims 9,10,15,16,19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 21,22,24 are allowed.

The prior art of record fails to teach a housing engagement feature which secures the retainer clip by engaging an angled detent with *an aperture on the clip bridge* as claimed. While the clip of Dauenbaugh is taught to have an aperture in the bridge 50 to receive a fastener as shown in Fig. 2, it is fastened to the panel, not the housing. Furthermore, while Martin teaches a housing securement member 46 for the clip 40, this member 46 does not engage an aperture in the bridge of the clip and the prior art of record does not provide motivation or suggestion to provide the clip of Martin with an aperture to be engaged by a housing member. Additionally, while the clip of Mall teaches an angled detent 50 of the housing engaging a recess 52 in the clip, it does not engage an aperture in the bridge portion 56. With regard to claims 19,24, the prior art fails to provide "biasing" an engagement detent through an aperture in the retainer. Accordingly, claims 9,10,15,16,18,19,21,22,24 are allowable over the prior art of record.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-8,11-14,17,18,20,23,25-27 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that upon further review of the claims, several problems under 35 USC 112 were discovered and are now presented in paragraph 1 above. In response to Applicant's arguments, the aforementioned claims are rejected in view of the previously cited art to Martin, Mall and Dauenbaugh or Myers.

Applicant's arguments against the Mall patent, on page 4 of the response, are not persuasive since the Mall patent is used merely to teach the added security of the

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prongs 60 which are concerned with securing the lock body. Furthermore, it is noted that the Mall patent is classified in class 285 and 411 which are coupling and fastening devices and not the field of hand tools as Applicant argues. It is true that one of ordinary skill in the art might not look to the field of hand tools, but one would clearly look to the fastening arts to find a retainer clip. Further, Applicant's arguments on page 5-6 regarding the non-perpendicular engagement of the retainer with the groove also is not persuasive and are moot in view of the new grounds of rejection under 35 USC 112 set forth in paragraph 1. Accordingly, claims 1-8,11-14,17,18,20,23,25-27 stand rejected.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3676

sdb